

April 3, 2008

UNITED STATES DISTRICT COURT
FOR THE
SOUTHERN DISTRICT OF CALIFORNIAFILED
08 APR 10 AM 9:41Request for Modifying the Conditions of Pretrial Release
(Surety and Defense Attorney Consent is Attached)

BY:

DEPUTY
08cr468-BTM wcf

Dkt No.: 07CR0468BTM-001

Name of Defendant: Evelyn Herrera**Reg. No.:** 07121-298**Name of Judicial Officer:** The Honorable Barry Ted Moskowitz, U.S. District Judge**Date Conditions Were Ordered:** February 6, 2008**Date Released on Bond:** February 12, 2008**Charged Offense:** 8 USC § 3124 (Alien Smuggling)**Next Court Hearing:** Sentencing on June 6, 2008, at 8:30 a.m.**Defense Counsel:** Kerry Armstrong (Retained)**Prior Violation History:** None.**Conditions of Release:** a travel restriction to the State of California; report for supervision to Pretrial Services; not possess or use any narcotic drug or other controlled substance without a valid medical prescription; do not possess any dangerous weapon or explosive device; and be able to legally remain in the United States during pendency of the proceedings.**PETITIONING THE COURT****TO MODIFY THE CONDITIONS OF SUPERVISION AS FOLLOWS:**

PRAYING THE COURT WILL ORDER THE DEFENDANT TO ATTEND MENTAL HEALTH COUNSELING AT THE DIRECTION OF THE PRETRIAL SERVICES OFFICER.

PROB 12B

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CAUSE

During the defendant's pre-arrainment interview she was crying and stated she was very nervous. During the defendant's post release interview on February 21, 2008, she indicated she had no previous mental health problems and was not undergoing any psychiatric treatment. The defendant reported she is claustrophobic and she was very nervous and could not sleep while incarcerated. The defendant stated she would make an appointment to see her general practitioner if her problems persisted. On March 13, 2008, the defendant reported to our office after her plea hearing. The defendant stated she had been experiencing a lot of anxiety and stress over her case. On March 24, 2008, the undersigned spoke to the defendant during her weekly telephone call and she indicated she was feeling depressed and was having a lot of family problems. The defendant stated she was unable to get an appointment to see a mental health counselor through her insurance and asked if the undersigned could help her with mental health treatment. The undersigned indicated it would require modifying her conditions of release and the defendant stated she was not opposed to this.

The undersigned has contacted the defendant's attorney Kerry Armstrong and he indicated he does not oppose adding mental health as a condition of the defendant's release. The defendant's surety, her sister Carla Elizabeth Herrera, also does not oppose the modification. Mr. Armstrong and Ms. Herrera's signed declarations are attached.

**I declare under penalty of perjury that the
foregoing is true and correct.**

Executed on: April 3, 2008

Respectfully submitted:

by Tisha Garcia

Tisha Garcia
United States Pretrial Services Officer
(619) 557-2990

Reviewed and approved:

Charlene Delgado

Supervising U.S. Pretrial Services Officer

Attachments

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THE COURT ORDERS:

 The Modification of Conditions as Noted Above

 Other _____

Barry Ted Moskowitz
The Honorable Barry Ted Moskowitz
U.S. District Judge

4-8-08

Date

My name is attorney Kerry L. Armstrong. I am writing to you today in response to a conversation my law clerk had with Pre-Trial Services, wherein The Law Offices of K.L. Armstrong, APLC provide you with the following declaration.

Kerry L. Armstrong, APLC

Ph. (619) 234.2300

I, Kerry L. Armstrong, do not oppose adding mental health counseling to the terms of Ms. Herrera's pre-trial release. Thank you.

To the Honorable Judge Barry T. Moskowitz,

Re: People v. Evelyn Herrera (#3:08-MJ-00336-RBB)

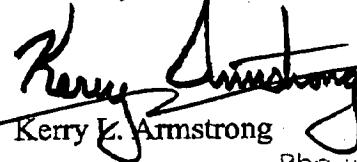
Dear Judge Moskowitz,

March 27, 2008

My name is attorney Kerry L. Armstrong and I represent Ms. Herrera in the above-referenced case. I am writing to you today in response to a conversation my law clerk had with Ms. Tisha Garcia, of Pre-Trial Services, wherein she requested that I provide you with the following declaration.

I, Kerry L. Armstrong, do not oppose adding mental health counseling to the terms of Ms. Herrera's pre-trial release. Thank you.

Sincerely,



Kerry L. Armstrong

Ph. (619) 234.2300

kerry@KLACriminalDefense.com

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kerry@KLACriminalDefense.com

March 27, 2008

I Carla Herrera do not oppose modifying Evelyn Herrera conditions of release to include Mental Health Counseling.

Carla Herrera

Carla

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